

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR,
AND PENSIONS

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "The Cost of Being Sick: H1N1 and Paid Sick Days" on November 10, 2009. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security, and Governmental Affairs be authorized to meet during the session of the Senate on November 10, 2009, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on November 10, 2009, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Strengthening Our Criminal Justice System: Extending the Innocence Protection Act."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INTELLIGENCE

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Intelligence be authorized to meet during the session of the Senate on November 10, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Madam President, I ask unanimous consent that my military fellow, Nadine Kokolus, be granted the privilege of the floor for the duration of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIRLINE FLIGHT CREW TECHNICAL
CORRECTIONS ACT

Mr. REID. Madam President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. 1422 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title. The assistant legislative clerk read as follows:

A bill (S. 1422) to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

There being no objection, the Senate proceeded to consider the bill.

Mr. ENZI. Madam President, I would like to engage my friend, the Senator from Washington and the chairman of the Subcommittee on Employment and Workplace Safety, with whom I have been pleased to work on many initiatives on behalf of America's workforce, in a conversation about the bill she has just introduced. I would like to take this opportunity to clarify the treatment of workers contained in the Flight Crew Technical Corrections Act before us today that pertains to flight crews. Is it the Senator's understanding that her legislation resolves a problem unique to flight crews—meaning flight attendants and pilots—and that no other group of workers is addressed under this bill?

Mrs. MURRAY. Yes, the Senator is correct. This bill is narrowly constructed to address the unique situation faced by flight attendants and pilots in the calculation of the hours they need to qualify for leave under the Family Medical Leave Act, FMLA. I understand that the FMLA eligibility calculation does not include paid vacation, sick, medical or personal leave unless otherwise agreed to in a collective bargaining agreements or the employers manual. This bill reflects the intent of the FMLA's original sponsors to provide an alternative way to include flight crews that addresses the airline industry's unique time-keeping methods. I am proud that the Flight Crew Technical Corrections Act fixes a technical problem that has left many full-time flight crew members ineligible for family medical leave for many years due to the unique way their work hours are calculated.

Mr. ENZI. In other words, is it the Senator's understanding that the bill should not be construed to apply to other occupational groups that operate under reserve systems such as health care, railway, and emergency services to seek similar treatment?

Mrs. MURRAY. Correct, this bill narrowly deals with flight crews only. The bill is a technical correction for language that was intended to be in the original Family Medical Leave Act, but for some reason or another was left out. Flight crews were specifically mentioned in the FMLA's legislative history. Thus, I believe that the correction is clearly appropriate for flight crews. If other groups were to attempt an adjustment in their FMLA eligibility requirements, I suggest that their situation and the ramifications of such an adjustment would need to be examined on a case by case basis.

Mr. ENZI. The Senator mentioned the FMLA's legislative history. Is it the Senator's further understanding that this is the only group of employees which was intended to be included with an alternative eligibility standard?

Mrs. MURRAY. The Senator is correct. The original authors stated that they did not intend to exclude flight crews in unique circumstances from the bill's protection simply because of

the airline industry's "unusual time keeping methods." They believed that these workers—flight attendants and pilots—were entitled to family and medical leave under the law based upon the situation they specifically faced.

This legislation received overwhelming bipartisan support in the House of Representatives. I am pleased to present it in the Senate with bipartisan support. This language was drafted through a process that included representatives from large and small airline carriers and carrier associations, and organized labor. I need to recognize the work that Senator Clinton did on this bill when she introduced its precursor in the 110th Congress.

Mr. ENZI. I would like to thank the Senator from Washington and the former Senator from New York for the deliberative process they both utilized while drafting this legislation. As the Senator knows, I am a frequent advocate for following Senate committee process so as to create the opportunity for all affected stakeholders to be included in the process. In this case, the Senator has done an admirable job of vetting the legislation with most stakeholders and produced a better product.

Mr. REID. Madam President, I ask unanimous consent that a Murray amendment, which is at the desk, be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table, with no intervening action or debate; and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2780) was agreed to, as follows:

(Purpose: To clarify a requirement concerning hours of service)

On page 2, line 22, insert after "counting" the following "personal commute time or".

The bill (S. 1422), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1422

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Airline Flight Crew Technical Corrections Act".

SEC. 2. LEAVE REQUIREMENT FOR AIRLINE FLIGHT CREWS.

(a) INCLUSION OF AIRLINE FLIGHT CREWS.—Section 101(2) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611(2)) is amended by adding at the end the following:

"(D) AIRLINE FLIGHT CREWS.—

"(i) DETERMINATION.—For purposes of determining whether an employee who is a flight attendant or flight crewmember (as such terms are defined in regulations of the Federal Aviation Administration) meets the hours of service requirement specified in subparagraph (A)(ii), the employee will be considered to meet the requirement if—

"(I) the employee has worked or been paid for not less than 60 percent of the applicable total monthly guarantee, or the equivalent, for the previous 12-month period, for or by